

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

TANYA NEMCIK,  
Plaintiff,  
v.  
MILLS, et al.,  
Defendants.

Case No. [16-cv-00322-BLF](#)

**ORDER GRANTING PLAINTIFF'S  
MOTION FOR LEAVE TO FILE A  
FIRST AMENDED COMPLAINT**


[Re: ECF 14]

Before the Court is Plaintiff's motion for leave to file a first amended complaint. ECF 14. Under Fed. R. Civ. P. 15(a)(1)(A), a party may amend its pleading once as a matter of course within 21 days after serving it. Since Plaintiff meets the requirements to amend her pleading as of course, it is not necessary for Plaintiff to file a motion for leave to file an amended complaint.

For clarity, the Court GRANTS Plaintiff's motion for leave to amend the complaint. The Court ORDERS the Clerk of the Court to file the amended complaint included with Plaintiff's motion for leave to amend the complaint at Docket 15 as Plaintiff's First Amended Complaint. Pursuant to the Order Granting Plaintiff's Application to Proceed IFP at Docket 9, the U.S. Marshal for the Northern District of California shall serve, without prepayment of fees, a copy of the complaint, any amendments or attachments, Plaintiff's affidavit and this order upon Defendant(s).

**IT IS SO ORDERED.**

Dated: March 21, 2016

  
BETH LABSON FREEMAN  
United States District Judge